

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2797-01
Bill No.: SB 835
Subject: Criminal Procedure; Crimes and Punishment; Courts; Law Enforcement Officers and Agencies
Type: Original
Date: January 21, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Highway Funds	(\$15,000)	0	0
Total Estimated Net Effect on <u>All</u> State Funds	(\$15,000)	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government*	(Unknown)	(Unknown)	(Unknown)

* Costs to local law enforcement agencies could exceed \$100,000 in any given fiscal year.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Division of Fire Safety, – Capitol Police, Department of Social Services, Office of State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Corrections (DOC)** assume the procedures outlined in this proposal are currently carried out within the DOC. There may be costs if additional tapes are to be supplied; however, DOC assumes the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

ASSUMPTION (continued)

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume their Field Operations Bureau would have fiscal impact from the proposed legislation. All members of the Patrol currently assigned to enforcement duties have a micro-cassette recorder, however many of them have been in the field for several years. MHP assumes that as many as half of them would have to be replaced with new ones to assure reliability. These estimates include one leather carrier to facilitate carrying the recording device by officers assigned to road duties. It also includes one high speed-dubbing machine at each zone office to provide copies for defense attorneys and a start up supply of tapes.

350 micro-cassette recorders	\$42.50 each = \$14,875
700 cassette holders	\$20.00 each = \$14,000
100 High-speed tape dubbing machines	\$900.00 each = \$90,000
10,000 micro-cassette tapes	\$1.50 each = <u>\$15,000</u>
Total for cassette recorders/tapes/equipment	\$133,875

The above supplies would be enough to enable the Patrol to implement the proposed legislation. Recurring costs are unknown because it would depend on a variety of circumstances with no consistency in occurrence. One officer may use the recorder frequently, while another officer in a different zone may use theirs on occasion. There is no maintenance on the recorders or dubbing machines so replacement would occur when the equipment was worn out. This is impossible to predict or estimate. The tape supply would decrease depending on use so it is also impossible to predict when more tapes would be needed.

Oversight assumes the Missouri State Highway Patrol (MHP) would use existing equipment to record the custodial interrogations, as required by the proposed legislation. Oversight assumes MHP's budget includes funding for the maintenance and necessary replacement of existing equipment and has excluded the cost of the micro cassette recorders and cassette holders from the fiscal note. Oversight also assumes MHP would use existing dubbing machines to make copies of the tapes, as the MHP currently has one dubbing machine in each Troop Headquarters as well as one at the MHP's training academy. Therefore, Oversight has excluded the cost of the dubbing machines.

ASSUMPTION (continued)

Officials from the **Department of Public Safety – Missouri State Water Patrol (MWP)** assume they would require one FTE Corporal (at \$41,556 per year) to file and maintain tapes. The Officer would be required to appear in court to maintain the chain of custody of the evidence. The officer would also be required to seek destruction orders for the tapes once the disposition is final. Storage space would be required, as well as file cabinets and related office furniture and equipment. MWP estimates the cost of the proposal to be \$93,913 in FY 05; \$74,341 in FY 06; and \$76,263 in FY 07.

Oversight assumes the Missouri State Water Patrol (MWP) could absorb the cost of the legislation within existing resources. Oversight assumes any significant increase in the workload of the MWP would be reflected in future budget requests.

Officials from the **St. Louis Metropolitan Police Department (SLMPD)** estimate the proposal would cost over \$1,800,000 in equipment, maintenance fees, storage, and supplies. SLMPD has not been able to calculate the additional cost of labor which encompasses training and the labor time needed to duplicate tapes. SLMPD would have to install video and audio taping equipment at ten additional sites, incur maintenance cost to ensure that the equipment could stand up to the rigors of taping over 75,000 suspect interrogations annually, store the tapes in an environmentally controlled location, and produce enough tapes so the chain of custody and evidence needs of all parties would be met.

Officials from the **Springfield Police Department** assume additional staff time of approximately one to two hours per felony case would be needed to meet the requirements of the proposal. They estimate the cost to be \$6,000 to \$10,000 per year. There would also be a loss of available staff time that could be used to investigate other cases. They estimate this cost to be \$6,000 to \$10,000 per year.

Officials from the **Jefferson City Police Department (JCPD)** assume passage of the bill would require the JCPD to incur expenses of equipment purchase costs, officer training, and personnel expenses to catalog and maintain taped evidence. JCPD estimates the total cost to be \$18,000 in FY 05; \$10,200 in FY 06; and \$12,000 in FY 07.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
HIGHWAY FUNDS			
<u>Costs – Missouri State Highway Patrol</u>			
Micro Cassette Tapes	<u>(\$15,000)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs – MHP</u>	<u>(\$15,000)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON HIGHWAY FUNDS	<u>(\$15,000)</u>	<u>\$0</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2005 (10 Mo.)	 FY 2006	 FY 2007
LOCAL LAW ENFORCEMENT AGENCIES			
<u>Costs – Equipment, maintenance fees, storage, supplies, personnel costs*</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL LAW ENFORCEMENT AGENCIES*	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

* Costs to local law enforcement agencies could exceed \$100,000 in any given fiscal year.

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would require any statement of a defendant made during a custodial interrogation to be presumed inadmissible as evidence in a criminal proceeding unless: (1) the interrogation is electronically recorded; (2) prior to the statement, but during the recording, the accused was read his or her Miranda rights and those rights were knowingly waived; (3) the recording device was accurate and unaltered; (4) all voices on the recording are identified; and (5) the defendant's attorney is provided with a copy of all recordings no later than 20 days before the date of the proceeding.

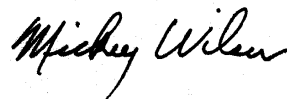
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Social Services
Department of Public Safety
 – Division of Fire Safety
 – Capitol Police
 – Missouri State Highway Patrol
Office of State Public Defender
St. Louis Metropolitan Police Department
Springfield Police Department
Jefferson City Police Department

NOT RESPONDING

Jackson County Sheriff
Greene County Sheriff
Cole County Sheriff
Boone County Sheriff
Kansas City Police Department



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